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ATATEKS FOREIGN TRADE LTD, JORDAN :
AND ATATEKS DIS TICARET A.S., :
Plaintiffs, :
:

-against-

PRIVATE LABEL SOURCING, LLC AND :
SECOND SKIN, LLC, :
Defendants. :
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07CV6665(HB)
ORDER

USDS SDNY
DOCUMENT
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DATE FILED: 7/31/08

Hon. HAROLD BAER, JR., District Judge:

WHEREAS the Plaintiffs filed an amended complaint on April 25, 2008 charging Defendants Private Label Sourcing, LLC and Second Skin, LLC, with breach of contract, account stated, quantum meruit, unjust enrichment, fraudulent conveyance and constructive fraud as well as an alter ego theory of liability directed at Second Skin; and

WHEREAS Plaintiff has voluntarily conceded the unjust enrichment and quantum meruit claims;

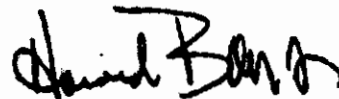
WHEREAS the Defendant Second Skin, LLC, moves for partial summary judgment pursuant to Fed. R. Civ. P. 56 and requests dismissal of all causes of action against Defendant Second Skin, LLC alleging that the Plaintiffs have failed to adduce any evidence of their claims against Second Skin; and

WHEREAS issues of material fact exist as to Plaintiffs' claims against Second Skin including whether Second Skin and Private Label Sourcing are alter egos of one another sufficient to hold Second Skin liable for claims against Private Label; it is hereby

ORDERED that the motion for summary judgment is DENIED and the Clerk of the Court is instructed to close any pending motions in this matter; and it is hereby

ORDERED that the parties are to prepare for a bench trial which will commence on August 11, 2008 at 9:30 a.m. in Courtroom 23B.

SO ORDERED
New York, New York
July 31, 2008



U.S.D.J.